

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lauren Kerstein	Team: Team # 2	CCRB Case #: 201405533	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 05/29/2014 5:52 PM	Location of Incident: In front of 319 West 42nd Street; 7th Precinct Stationhouse.	Precinct: 14	18 Mo. SOL 11/29/2015	EO SOL 11/29/2015	
Date/Time CV Reported Thu, 05/29/2014 8:37 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/05/2014 5:24 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Johnpaul Vinculado	26234	946376	NARCBMS
2. LT Charles Hyland	00000	915928	NARCBMS
3. An officer			NARCBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Ian Scheinblum	07550	941140	NARCBMS
2. DT3 Sean Drain	06915	923784	NARCBMS
3. DT2 David Guevara	07165	887173	NARCBMS

Officer(s)	Allegation	Investigator Recommendation
A.POM Johnpaul Vinculado	Force: PO Johnpaul Vinculado used physical force against § 87(2)(b) in front of 319 West 42nd Street in Manhattan.	
B. An officer	Force: An officer tight handcuffed § 87(2)(b) in front of 319 West 42nd Street in Manhattan.	
C.POM Johnpaul Vinculado	Abuse: PO Johnpaul Vinculado strip-searched § 87(2)(b) in front of 319 West 42nd Street in Manhattan.	
D.POM Johnpaul Vinculado	Abuse: PO Johnpaul Vinculado performed an anal cavity search on § 87(2)(b) in front of 319 West 42nd Street in Manhattan.	
E.LT Charles Hyland	Abuse: Lt. Charles Hyland authorized the strip-search of § 87(2)(b) at the 7th Precinct stationhouse.	

Case Summary

On May 29, 2014, Lt. Charles Hyland of Narcotics Borough Manhattan South filed this complaint with the Internal Affairs Bureau, generating log #§ 87(2)(b). This complaint was received at the CCRB on June 5, 2014. On May 29, 2014, at approximately 5:52 p.m., in front of 319 West 42nd Street in Manhattan, § 87(2)(b) was arrested. The following allegations resulted:

- **Allegation A: Force – PO Johnpaul Vinculado used physical force against § 87(2)(b) in front of 319 West 42nd Street in Manhattan.**
§ 87(2)(g)
[REDACTED]
- **Allegation B: Force – An officer tightly handcuffed § 87(2)(b) in front of 319 West 42nd Street in Manhattan.**
§ 87(2)(g)
[REDACTED]
- **Allegation C: Abuse of Authority – PO Johnpaul Vinculado strip-searched § 87(2)(b) in front of 319 West 42nd Street in Manhattan.**
§ 87(2)(g)
[REDACTED]
- **Allegation D: Abuse of Authority – PO Johnpaul Vinculado performed an anal cavity search on § 87(2)(b) in front of 319 West 42nd Street in Manhattan.**
§ 87(2)(g)
[REDACTED]
- **Allegation E: Abuse of Authority – Lt. Charles Hyland authorized the strip-search of § 87(2)(b) at the 7th Precinct Stationhouse.**
§ 87(2)(g)
[REDACTED]

This complaint was unsuitable for mediation.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of this incident. He is a 5'9" tall, 230-pound black man with black hair and brown eyes.
- § 87(2)(b)
[REDACTED]

NYPD and DOC Photos

In § 87(2)(b)'s arrest photo, his left eye is closed and his right eye is drooped down. In his prisoner movement slip photo, both of § 87(2)(b)'s eyes are open. In his Department of Corrections photo, § 87(2)(b)'s left eye is closed (encl. F1-F3).

CCRB Statement

§ 87(2)(b) provided a statement to the CCRB on July 28, 2014, with his two attorneys, § 87(2)(b) and § 87(2)(b) present. § 87(2)(b) also provided a statement to IAB on September 2, 2014. § 87(2)(g)

On May 29, 2014, at approximately 5:52 p.m., § 87(2)(b) and his girlfriend, § 87(2)(b) were standing in front of § 87(2)(b) in Manhattan. PO Johnpaul Vinculado (see encl. E3 for officer description) and two to four officers whom § 87(2)(b) could not describe, arrested him for engaging in a hand to hand exchange. Since at the time of his interview his criminal case was still open, § 87(2)(b) refused to provide any other information in regards to his arrest, although he mentioned that § 87(2)(b) had recorded it on her cellphone.

After his arrest, § 87(2)(b) first stated that all of the officers threw him onto the floor of the prisoner van while he was handcuffed so that he was on his back. Later in his interview, § 87(2)(b) stated that he was merely placed into the van. Two other prisoners, § 87(2)(b) and § 87(2)(b) were in the van with § 87(2)(b). In the van, PO Vinculado punched the left side of § 87(2)(b)'s face two to three times as he lay on the floor and accused § 87(2)(b) of having drugs on him. Another officer, whom § 87(2)(b) could not describe, squeezed his handcuffs so tight that his arms began to feel numb.

PO Vinculado then pulled down § 87(2)(b)'s pants while he was in the van with two other prisoners present and proceeded to spread his buttocks and place his hand inside § 87(2)(b)'s anus. PO Vinculado then lifted § 87(2)(b)'s genitals up and recovered marijuana (A referral was made to the Internal Affairs Bureau in CCRB# § 87(2)(b). § 87(2)(b) was then transported to the 7th Precinct.

While in front of the prisoner holding cells, an officer § 87(2)(b) could not describe instructed him to take off his clothes. § 87(2)(b) took off his clothes and when nothing was recovered, he put his clothes back on and was placed in the holding cells. § 87(2)(b) and § 87(2)(b) observed the search.

As a result of this incident, § 87(2)(b)'s left eye was swollen, his wrists were scratched and he has since sustained nerve damage to his wrists.

Attempts to Contact Civilians

- § 87(2)(b) stated that he was transported to § 87(2)(b) for injuries he sustained during this incident and later received additional treatment at Rikers Island. § 87(2)(b) refused to sign HIPAA forms or provide injury photos that his lawyer had taken of him. Therefore these documents could not be obtained.
- § 87(2)(b) refused to provide any contact information for § 87(2)(b). A Lexis Nexis search was conducted which yielded variations of the name, but no exact hits and not enough information about § 87(2)(b) to narrow down the results. Therefore she could not be located.
- Addresses and phone numbers were obtained for § 87(2)(b) and § 87(2)(b) via their arrest reports and a Lexis Nexis search. Between August 4, 2014 and October 15, 2014, five calls were placed and two letters were sent to each individual with no response.

NYPD Statements:

Subject Officer: PO JOHNPAUL VINCULADO

- PO Vinculado was § 87(2)(b) old at the time of this incident. He is a 5'8" tall, 175-pound Asian man of Pacific Islander descent, with black hair and brown eyes.
- On May 29, 2014, PO Vinculado worked from 12:27 p.m. to 11:30 p.m. assigned to a Buy and Bust field team. PO Vinculado worked in plainclothes assigned to unmarked vehicle #§ 87(2)(b) with Lt. Hyland and Det. Scheinblum.

CCRB# 201405533

Arrest Report and Memo book

The narratives in § 87(2)(b)'s arrest report prepared by PO Vinculado and PO Vinculado's memo book are consistent with PO Vinculado's statement (encl. G1-G3, H1-H3).

Criminal Court Complaint

The complaint report was prepared by PO Vinculado and states that he recovered three bags of marijuana from § 87(2)(b)'s underwear (encl. H4-H5).

CCRB Statement

PO Vinculado provided a statement to the CCRB on September 26, 2014 (enc. H6-H10).

An undercover officer informed PO Vinculado that he observed § 87(2)(b) sell crack to § 87(2)(b) via a hand to hand exchange. The undercover officer provided PO Vinculado with § 87(2)(b)'s physical description and his location.

PO Vinculado and Lt. Hyland approached § 87(2)(b) commanded him not to move and grabbed his left arm to handcuff him. § 87(2)(b) vehemently resisted arrest by twisting his body away and trying to elbow PO Vinculado. In order to get § 87(2)(b) under control, PO Vinculado punched § 87(2)(b) in the head once or twice prior to placing him in the van. At no other point during the interaction did PO Vinculado strike § 87(2)(b) in the face or observe another officer do so.

During the struggle to handcuff § 87(2)(b) he began to push PO Vinculado. While attempting to bring § 87(2)(b) to the ground, § 87(2)(b) fell on top of PO Vinculado, causing PO Vinculado hit his head on the ground. While on the ground, § 87(2)(b) refused to provide his arms to PO Vinculado but after a while, the officers were able to force § 87(2)(b)'s hands behind his back and handcuff him. As a result of hitting his head on the ground, PO Vinculado sustained a bump on his head and abrasions to his body. PO Jacob Merino informed PO Vinculado after the incident that he had sustained a head injury as well and PO Vinculado observed blood underneath Lt. Hyland's nose.

After § 87(2)(b) was handcuffed, the officers tried to stand him up but § 87(2)(b) refused and told the officers to "suck his dick." Before placing § 87(2)(b) into the prisoner van, PO Vinculado attempted to search § 87(2)(b) for additional drugs. PO Vinculado patted down the outside of § 87(2)(b)'s thigh area and felt a "thick wad," which he believed to be drugs. In response, § 87(2)(b) lifted his knee up and began to swivel his legs and hips which prevented PO Vinculado from fully patting down § 87(2)(b).

PO Vinculado walked § 87(2)(b) towards the prisoner van but when he tried to place him inside, § 87(2)(b) braced his legs against the van to prevent the officers from placing him inside. It took the entire field team multiple attempts to finally get § 87(2)(b) inside.

Once § 87(2)(b) was inside the van, PO Vinculado again frisked the outside of § 87(2)(b)'s inner thighs and felt the same "packaging." PO Vinculado then reached inside § 87(2)(b)'s pants and underwear, recovering money and marijuana from inside the slit located on the front part of § 87(2)(b)'s underwear. PO Vinculado did not make contact with § 87(2)(b)'s genitals and did not perform an anal cavity search on § 87(2)(b).

Lt. Hyland watched as PO Vinculado conducted the search inside the van but did not make any statements. PO Vinculado never saw an officer squeeze § 87(2)(b)'s handcuffs.

At the 7th Precinct Stationhouse, Lt. Hyland authorized a strip-search for § 87(2)(b). PO Vinculado did not recall if he was present for § 87(2)(b)'s strip-search.

When shown § 87(2)(b)'s arrest photo, PO Vinculado stated that § 87(2)(b)'s eyes were fully open at the stationhouse and speculated that § 87(2)(b) purposely closed his eye for the arrest photo. § 87(2)(b) was transported to the hospital for a leg injury he sustained from an unrelated incident.

Subject Officer: LT. CHARLES HYLAND

- Lt. Hyland was § 87(2)(b) old at the time of this incident. He is 6' tall, 200-pound white man with blonde hair and blue eyes.
- On May 29, 2014, Lt. Hyland worked from 12:15 p.m. to 9 p.m. as supervisor of a Buy and Bust tactical team. Lt. Hyland worked in uniform and was assigned to unmarked vehicle #§ 87(2)(b).

Memo book

Lt. Hyland's memo book entries are consistent with his CCRB statement, see enclosure J1-J3.

CCRB Statement

Lt. Hyland provided a statement to the CCRB on October 23, 2014. § 87(2)(g)

PO Vinculado, Lt. Hyland and PO Merino approached § 87(2)(b) who "threw off" all three officers when they tried to handcuff him. Lt. Hyland grabbed § 87(2)(b)'s torso area, causing Lt. Hyland, PO Vinculado, PO Merino and § 87(2)(b) to fall to the ground. § 87(2)(b) rolled onto his stomach, hid his hands and kept trying to stand back up. § 87(2)(b) was then handcuffed. As a result of § 87(2)(b)'s resistance, Lt. Hyland sustained a cut to his lip and a cut underneath his chest from his shield. After § 87(2)(b) was handcuffed, Lt. Hyland could not recall whether § 87(2)(b) was frisked and searched.

§ 87(2)(b) acted combative when they tried to get him into the prisoner van. Lt. Hyland never observed PO Vinculado reach into § 87(2)(b)'s pants or underwear inside the van, perform an anal cavity search on § 87(2)(b) or punch § 87(2)(b) in the face. He denied seeing an officer squeeze § 87(2)(b)'s handcuffs.

Once at the 7th Precinct Stationhouse, Lt. Hyland was going to authorize § 87(2)(b)'s strip-search because § 87(2)(b) was dealing crack which was recovered from § 87(2)(b) another prisoner arrested with § 87(2)(b) who confirmed that he had bought the crack from § 87(2)(b). Other officers informed Lt. Hyland that § 87(2)(b) had been combative during his arrest, which Lt. Hyland had witnessed. However, when Lt. Hyland informed § 87(2)(b) that he would be strip-searched and directed § 87(2)(b) to step into a bathroom, § 87(2)(b) stated that he would do the strip-search where they were. § 87(2)(b) then voluntarily took off his clothes in the arrest processing room and bent over. Nothing was recovered.

Witness Officer: DET. IAN SCHEINBLUM

- Det. Scheinblum was § 87(2)(b) old at the time of this incident. Det. Scheinblum is a 5'10" tall, 210-pound white man, with brown hair, brown eyes and a goatee.
- On May 29, 2014, Det. Scheinblum worked from 12:57 p.m. to 9:30 p.m., assigned to the leader car in a buy and bust with Lt. Hyland and PO Vinculado. Det. Scheinblum worked in plainclothes and was assigned to unmarked vehicle #§ 87(2)(b).

Memo book

Det. Scheinblum's memo book entries are consistent with his CCRB statement, see enclosures I1-I2.

CCRB Statement

Det. Scheinblum provided a statement to the CCRB on October 23, 2014 (encl. I3-I7).

§ 87(2)(g)

Det. Scheinblum stopped § 87(2)(b) after he observed the drug transaction between him and § 87(2)(b) and recovered crack/cocaine from his pants pocket. § 87(2)(b) complained to

Det. Scheinblum that he had given § 87(2)(b) more money than the crack/cocaine was worth and he felt ripped off. Det. Scheinblum handcuffed § 87(2)(b) without a physical struggle and placed him in the prisoner van.

Det. Scheinblum walked over to West 42nd Street where § 87(2)(b) was already handcuffed and sitting on the ground. PO Vinculado tried to conduct a frisk and search of § 87(2)(b)'s pockets but an adequate search could not be conducted because he was seated on the ground. § 87(2)(b) kept moving his upper body by laying down then sitting up and appeared to be reaching for his pants. An officer eventually had to hold § 87(2)(b) in place. Det. Scheinblum did not know which part of his pants § 87(2)(b) was trying to reach into but given his experience, stated that when someone is trying to reach inside of their pants, they are trying to discard or destroy evidence.

Lt. Hyland, Det. Scheinblum and PO Vinculado entered the prisoner van with § 87(2)(b) and PO Vinculado conducted another search. At the time of the prisoner van search of § 87(2)(b) and a female prisoner were also in the van. PO Vinculado frisked § 87(2)(b)'s chest area, waistband area and legs and also checked the pockets on § 87(2)(b)'s clothing. Det. Scheinblum could not recall what was recovered. Det. Scheinblum never observed PO Vinculado reach inside § 87(2)(b)'s pants or underwear to recover contraband. An anal cavity search was never conducted. Det. Scheinblum never observed PO Vinculado strike § 87(2)(b) in the face or an officer squeeze § 87(2)(b)'s handcuffs.

Later that day, § 87(2)(b) informed Det. Scheinblum that he was going to close his eye and pretend his eye was swollen shut. When Det. Scheinblum saw § 87(2)(b) both his eyes were open. Det. Scheinblum was not present when § 87(2)(b) was strip-searched.

§ 87(2)(b)

Additional Officers Interviewed

Witness Officer: DET. DAVID GUEVARA

Witness Officer: DET. SEAN DRAIN

- Det. Guevara was § 87(2)(b) old and Det. Drain was § 87(2)(b) old at the time of this incident. Det. Guevara is a 5'9" tall, 185-pound Hispanic man with gray hair and brown eyes. Det. Drain is a 6'1" tall, 240-pound white man with blue eyes and is bald.
- On May 29, 2014, Det. Guevara and Det. Drain worked from 12:10 p.m. to 11:33 a.m. on May 30, 2014 assigned to the prisoner van. They both worked in plainclothes and were assigned to unmarked vehicle § 87(2)(b)

CCRB Statements

Det. Guevara and Det. Drain provided statements to the CCRB on October 21, 2014.

§ 87(2)(g)

Det. Guevara and Det. Drain arrived on scene to pick up § 87(2)(b). Neither officer saw PO Vinculado strike § 87(2)(b) or perform an anal cavity search on § 87(2)(b). PO Vinculado never reached inside § 87(2)(b)'s underwear. At one point during the interaction, § 87(2)(b) was complaining that his handcuffs were too tight so Det. Guevara loosened them for him. Det. Guevara and Det. Drain did not observe the strip-search of § 87(2)(b) at the 7th Precinct.

Det. Guevara later transported § 87(2)(b) to § 87(2)(b) because he complained of an ankle injury and that he felt lightheaded. After viewing § 87(2)(b)'s arrest photo, Det. Guevara and Det. Drain stated that they remembered § 87(2)(b)'s eyes being open.

NYPD Documents

7th Precinct Command Log

§ 87(2)(b) and § 87(2)(b) were all signed into the command log at 7:30 p.m. by PO Vinculado. § 87(2)(b)'s physical and mental conditions are listed as apparently normal. The command log notes that § 87(2)(b) was strip-searched with negative results in the 7th Precinct cell area under the supervision of Lt. Hyland. At 3 a.m., § 87(2)(b) was taken to § 87(2)(b) (encl. M10-M11).

Medical Treatment of Prisoner Report

A report was prepared for § 87(2)(b) because of a previous ankle injury and psychological issue. § 87(2)(b) also stated that he felt lightheaded. In the remarks section, it states that § 87(2)(b) refused all care (encl. M8-M9).

Property Vouchers

§ 87(2)(b) was found to be in possession of 398 dollars U.S. currency, three zip-lock bags of marijuana and two cellphones (encl. M12-M19).

Prisoner Holding Pen Roster

§ 87(2)(b) and § 87(2)(b) were all placed into holding cells at 7:30 p.m. (encl. M22).

Arrest for Incident and Disposition

- § 87(2)(b) was charged with one count of the following: § 87(2)(b)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on August 12, 2014, claiming that officers assaulted him. He is seeking twenty million dollars as redress (encl. P1-P4).

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)]
[§ 87(2)(b)]
[§ 87(2)(b)]
[§ 87(2)(b)]
[§ 87(2)(b)]
[§ 87(2)(b)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. B3).

Subject Officers CCRB History

- PO Vinculado has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. B1-B2).
- Lt. Hyland has been a member of the service for nineteen years and there are no substantiated CCRB allegations against him.

Conclusion

Allegations Not Pleaded

- § 87(2)(b) initially alleged that he was thrown into the prisoner van. When the undersigned investigator tried to clarify how he was thrown into the van, § 87(2)(b) then stated that he was “placed” in the van and that no part of his body hit the van. § 87(2)(g)

Identification of Subject Officers

- PO Vinculado acknowledged punching § 87(2)(b) in the face while trying to handcuff § 87(2)(b) outside of the van and reaching into his underwear in the prisoner van to recover additional contraband. § 87(2)(g)
- Since § 87(2)(b) was unable to see the officer that was squeezing his handcuffs and no officer interviewed acknowledged squeezing § 87(2)(b)'s handcuffs, § 87(2)(g)
- Lt. Hyland acknowledged authorizing § 87(2)(b)'s strip-search. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Force – PO Johnpaul Vinculado used physical force against § 87(2)(b) in front of 319 West 42nd Street in Manhattan.

It is undisputed that physical force was used against § 87(2)(b) to affect his arrest and place him in the prisoner van. § 87(2)(g)

Although § 87(2)(b) refused to provide a statement in regards to his behavior before he was handcuffed and refused to sign HIPAA forms which could corroborate his injury, he was charged with resisting arrest and the criminal court complaint report and officer statements were consistent with regard to § 87(2)(b)'s resistance before and after he was handcuffed. In response to § 87(2)(b)'s resistance and to try and get him handcuffed, PO Vinculado admitted to punching § 87(2)(b) in the face once.

After being handcuffed and escorted into the van, § 87(2)(b) alleged that unprovoked, PO Vinculado punched him two to three times in the left side of his face, which PO Vinculado denied doing. All other officers interviewed denied witnessing PO Vinculado punch § 87(2)(b) at any point during the interaction in the prisoner van post-arrest.

In § 87(2)(b)'s DOC and arrest photos his left eye is closed and in his prisoner movement slip photo, both of his eyes are open. None of the photos show bruising or swelling. Det. Scheinblum stated that § 87(2)(b) told him that he would purposely close his eye in his arrest photo to make it appear that one of his eyes was swollen shut and all officers interviewed stated that when they saw § 87(2)(b) both his eyes were open.

§ 87(2)(g)

Allegation B: Force – An officer tightly handcuffed § 87(2)(b) in front of 319 West 42nd Street in Manhattan.

§ 87(2)(b) alleged that while PO Vinculado was punching him in the face in the prisoner van, an officer was squeezing his handcuffs.

Det. Guevara who was assigned to the prisoner van on that day, acknowledged that later in the interaction, § 87(2)(b) complained that his handcuffs were too tight so Det. Guevara loosened them for him. However all officers involved in placing § 87(2)(b) in the prisoner van denied squeezing his handcuffs.

As a result of his handcuffs being too tight, § 87(2)(b) claims he now has nerve damage in his wrists but refused to sign HIPAA forms so his claim could be verified.

§ 87(2)(g)

Allegation C: Abuse of Authority – PO Johnpaul Vinculado strip-searched § 87(2)(b) in front of 319 West 42nd Street in Manhattan.

Given § 87(2)(b) and PO Vinculado's statements and the narrative in the criminal court complaint prepared by PO Vinculado, it is established as fact that PO Vinculado reached inside § 87(2)(b)'s underwear in the prisoner van in front of § 87(2)(b) and § 87(2)(b) and recovered marijuana and money.

§ 87(2)(b) alleged that in order to recover the marijuana, PO Vinculado lifted up his genitals. PO Vinculado denied that he pulled down § 87(2)(b)'s pants or underwear or that he made contact with § 87(2)(b)'s genitals when he reached inside the front slit of § 87(2)(b)'s underwear to recover the money and marijuana. § 87(2)(b) Det. Scheinblum and Lt. Hyland all confirmed that § 87(2)(b) and another prisoner, identified via investigation as § 87(2)(b) were present in the prisoner van by the time § 87(2)(b) was placed in the van.

A search is considered a strip-search when an individual's undergarments including their underwear or private areas are exposed, or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip-search may only be conducted in a secure and private location by an officer of the same gender. Other officers may only be present for the strip-search when reasonably necessary. Patrol Guide, 208-05 (encl. A13-A15). How a strip-search is conducted in addition to where and by whom, are the factors considered when determining the reasonableness of a strip-search. Unless needed to save a life, it is viewed as subjecting a prisoner to unnecessary humiliation to conduct a strip-search in a public place. People v. Hall, N.Y. 3d 303 (2008)(encl. A1-A12).

PO Vinculado stated that he first frisked § 87(2)(b)'s inner thigh area and after feeling a bulge, stuck his hand inside § 87(2)(b)'s pants and front slit of § 87(2)(b)'s underwear to recover money and marijuana. § 87(2)(g)

§ 87(2)(g)

Allegation D: Abuse of Authority – PO Johnpaul Vinculado performed an anal cavity search on § 87(2)(b) in front of 319 West 42nd Street in Manhattan.

§ 87(2)(b) alleged that after being placed inside the prisoner van, PO Vinculado conducted an anal cavity search on him. PO Vinculado denied performing an anal cavity search

on § 87(2)(b) and all other officers interviewed, denied seeing PO Vinculado perform an anal cavity search on § 87(2)(b)

§ 87(2)(g)

Allegation E: Abuse of Authority – Lt. Charles Hyland authorized the strip-search of § 87(2)(b) at the 7th Precinct Stationhouse.

§ 87(2)(b) alleged that he was forced to undress in front of other prisoners at the 7th Precinct Stationhouse as part of a strip-search. Lt. Hyland acknowledged authorizing § 87(2)(b)'s strip-search because he had been involved in a drug transaction and drugs they observed him exchange were recovered on § 87(2)(b) at the time of his arrest. Lt. Hyland stated that when he informed § 87(2)(b) that he was going to be strip-searched while in the 7th Precinct, § 87(2)(b) took off his clothes in the arrest processing room prior to an officer conducting a strip-search. No other officers witnessed § 87(2)(b) strip-searched but PO Vinculado and Det. Scheinblum made observations that raised their suspicion that § 87(2)(b) was concealing additional contraband.

Det. Scheinblum stated that he observed § 87(2)(b) sell crack/cocaine to § 87(2)(b) and when he apprehended § 87(2)(b) recovered the crack/cocaine from § 87(2)(b)'s pocket and complained that § 87(2)(b) had charged him too much. When PO Vinculado did a preliminary search of § 87(2)(b) outside the van, PO Vinculado and Det. Scheinblum stated that § 87(2)(b) kept fidgeting and moving his body which raised their suspicion that § 87(2)(b) was concealing contraband. Then, while inside the prisoner van, PO Vinculado conducted another search of § 87(2)(b) and recovered marijuana from his underwear.

The criminal court complaint report states that PO Vinculado recovered marijuana from § 87(2)(b)'s underwear. The command log states that § 87(2)(b) was strip-searched in the 7th Precinct cell area with negative results.

A strip-search can be conducted based upon a reasonable suspicion that a defendant is concealing evidence underneath their clothing. People v. Anderson, N.Y. (2013) (encl. A16-A18).

§ 87(2)(g) officers observed § 87(2)(b) in multiple hand to hand exchanges with crack/cocaine and none was recovered from § 87(2)(b) at the time of his arrest, § 87(2)(g)

§ 87(2)(g)

Team: ____2____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date